(316)

UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1994/SR.16
15 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)
later: Mr. URRUTIA (Peru)

CONTENTS

Statement by the Minister for Foreign Affairs of the Netherlands

Adoption of the agenda (continued)

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-10863 (E)

CONTENTS (continued)

an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development:

(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

Question of the realization of the right to development (continued)

Status of the International Covenants on Human Rights (continued)

Effective functioning of bodies established pursuant to United Nations human rights instruments (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS

1. The CHAIRMAN invited the Minister for Foreign Affairs of the Kingdom of the Netherlands to address the Commission.

2. Mr. KOOIJMANS (Netherlands) said that the Commission could be proud of its many noteworthy achievements over the years. Since the elaboration of the Universal Declaration of Human Rights, its earliest achievement, it had done a great deal of work which had helped focus world attention on human rights issues. The relative success of the second World Conference on Human Rights was a recent positive development.

3. However, the achievements of the Commission, though real, could not conceal the continued suffering of hundreds of millions throughout the world whose human rights were still being denied or violated. The tragic events in Sarajevo had once again focused world attention on the plight of the people of the former Yugoslavia. The conflict was an incomprehensible one - until recently, it had been believed that war would never again scourge the European continent. Yet, atrocities had resurfaced and the international community was duty-bound to end the bloodshed and bring to justice those responsible for violations of human rights and international humanitarian law. In that connection, he welcomed the decision of the NATO Council on 9 February 1994 to provide the United Nations with a means of stopping the merciless killing of the citizens of Sarajevo. He hoped that the parties to the conflict would heed that decision and accept that their people were entitled to peace.

4. The International Tribunal for the prosecution of crimes committed in the former Yugoslavia was evidence of the fact that, while the international community had obviously failed to prevent and control the conflict, ruthless killing and torture could not simply be called a side-effect of armed conflict.

5. The World Conference had produced four main results: two achievements that had consolidated the past and two results which had opened up a vista on the future. First of all, standards had been confirmed. More than 170 countries had agreed on what constituted human rights and the long and fruitless debate on priorities could thus be considered over. Secondly, the legitimacy of international involvement and the urgent need for effective international supervision had been reaffirmed in a way that left no room for misunderstanding. The third and fourth achievements were built on those consolidations, namely a message to enhance the international effort for human rights and the recognition that the rights of certain groups had hitherto been neglected in United Nations human rights forums.

6. The Conference had called for the enhancement of the international human rights effort. That meant United Nations system-wide, coordinated action in the field, boosted by more funds and better management. The most important part of that message was the recommendation that a United Nations high

commissioner for human rights be appointed. The subsequent decision by the General Assembly, at its forty-eighth session, to establish the post of High Commissioner, and its adoption by consensus were warmly welcomed by his Government.

7. The High Commissioner could provide for an increased profile of human rights, including increased United Nations system-wide action, coordination and funding for human rights; greater supervision and fact-finding to foster implementation of human rights; and emergency response, including the use of good offices to help to solve human rights crises.

8. In carrying out those tasks, the High Commissioner should be a focal point and in no way replace existing mechanisms. He should ensure the availability of sufficient funds for new and old activities. The Government of the Netherlands was pleased that the High Commissioner would be accountable to the Commission and the General Assembly through an annual report to the Commission on activities and policies. It hoped that the Secretary-General would conclude that the High Commissioner and the Assistant Secretary-General for Human Rights should execute the dual tasks of managing the Centre for Human Rights and promoting United Nations system-wide action in close cooperation and coordination.

9. It had also been acknowledged in Vienna that the rights of various groups had not received due attention in bodies such as the Commission. In addition to the rights of indigenous peoples, of refugees and displaced persons and of children, an important message had been given concerning the rights of women. In that connection, his Government supported the recently adopted Declaration on Violence against Women and considered that the time had come to foster implementation of the important standards it contained.

10. His Government also welcomed the recommendation by the World Conference that a special rapporteur on the rights of women be appointed. However, there were some caveats to be entered. The new special rapporteur must not become a scapegoat for all the Commission had neglected to do in the past; he or she must not be used as an excuse to cease examining the problems women faced regarding their rights and he or she should not be overloaded with work as a result of a vaguely defined mandate. The special rapporteur should focus on violence against women and also address the causes of violence against women and the role Governments should play in removing them. For its part, the Commission should maintain a general focus on the rights of women and, in principle, their rights should feature in every report submitted to it.

11. The treaty bodies should coordinate closely on the issue of the rights of women. His Government felt that the role of the Committee on the Elimination of Discrimination against Women (CEDAW) was essential in that regard and its relative isolation from the other treaty bodies should be addressed, since that jeopardized the attention paid to women's rights. The Centre for Human Rights, in close coordination with other bodies within the United Nations dealing with the rights of women, should foster more knowledge on the subject, complementing its general efforts and knowledge in the field of human rights.

12. The work on guaranteeing the rights of internally displaced persons and securing access to them should be speeded up and should override an

unjustified over-emphasis on national sovereignty. In particular, there was a need for early warning and for preventing the crises of displaced people from becoming human tragedies. In that respect, UNHCR and international humanitarian organizations should be enabled to assist them.

13. A group requiring more attention than was given it at Vienna was that of persons in danger because they defended human rights. The punishment of people for expressing internationally recognized principles was utterly unacceptable. Special rapporteurs and working groups had time and again stressed that point, particularly the Working Group on Enforced or Involuntary Disappearances. He thus called for the swift completion of the declaration on human rights defenders.

14. With regard to its agenda for the near future, the Commission must use the basis provided by the internationally agreed standards and the accepted legitimacy of international involvement and supervision to increase international efforts for the implementation of human rights and must also listen to the pleas of previously unheard groups. Its ultimate objective was the full realization of human rights for everyone. That might not be an attainable objective but fighting for a just cause was worthy in itself.

15. Mr. Urrutia (Peru) took the Chair.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (continued) (E/CN.4/1994/Rev.1, 89 and 90)

16. The CHAIRMAN said that the Bureau, having met that morning to discuss outstanding issues concerning the Commission's agenda, as contained in document E/CN.4/1994/1/Rev.1, recommended that a new sub-item entitled "International Year of the Family" be added as agenda item 11 (e) and that a new item entitled "Follow-up to the World Conference on Human Rights" be added as agenda item 23.

17. As he heard no objection, he took it that the Commission wished to adopt those recommendations.

18. It was so decided.

19. The agenda, as amended, was adopted.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1994/17, 18*, 19 and Add.1 and 20; E/CN.4/1993/16; A/CONF.157/PC/73; E/CN.4/1994/NGO/6)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/21 and Corr.1-2 and 99*)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1994/67 and 68; E/C.12/1993/3; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (A/CONF.157/PC/62/Add.11/Rev.1 and A/CONF.157/TBB/4 and Add.1)

20. Mrs. FERRARO (United States of America) said that since the United States had only recently accepted the concept of the right to development, she would elaborate what the term meant for her delegation.

21. Individual human beings were at the intersection of all human rights: civil, political, economic, social and cultural, and the individual was ipso facto the central focus of any discussion of the right to development. It followed that the goal of the right to development was the empowerment of the individual and his or her involvement to the maximum extent possible in decisions affecting his or her well-being and development. That, in turn, was linked to the respect for fundamental human rights. Democracy was the political expression of that respect; private enterprise, free markets and free trade were its economic basis. Individuals should be free to engage in economic activity without undue interference from Governments.

22. The Vienna Declaration proclaimed that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. Democracy was the key to development. Only through the careful nurturing of democratic values and institutions could individuals achieve their full potential and realize the right to development.

23. The right to development must contribute to the achievement of all other human rights, not detract from them. As clearly set out in the Vienna Declaration, a State's level of economic development could never justify an abridgement of any human rights. To do so would be to deny the inalienable nature of the individual's right to development, to which all had agreed.

24. Governments themselves thus bore primary responsibility for implementing the right to development of their citizens. That right depended on good and transparent Governments, sound economic policies and an end to official corruption, which diverted public resources from projects enhancing the common good.

25. Her Government supported the efforts to eliminate obstacles to development and called upon all nations to promote effective national development policies. At the international level, Governments should promote fairness in trade and give strong support to intellectual property rights.

26. The United States had played a major role in establishing the international financial institutions and the General Agreement on Tariffs and Trade (GATT) and was at the forefront of international efforts to reform those

institutions to meet the demands of a changing world. It supported their policies and believed that their programmes of assistance and economic adjustment were critical to growth and development.

27. The United States had long been a leader in helping less developed countries. It maintained extensive bilateral assistance programmes and participated fully in international financial institutions. It was a major contributor to the development programmes of the United Nations and had consistently cooperated with people and nations in need. Foreign assistance could make a strong contribution to promoting human rights, just as respect for human rights must be a factor in allocating foreign assistance. In the area of international cooperation and assistance, the right to development did not, of course, impose obligations at the inter-State level, but it did serve to emphasize the importance of coordinated efforts by the international community.

28. The Vienna Declaration had put the right to development in a fresh context and highlighted new elements which had enabled the international community to cease the sterile debates of the past. The first report of the new Working Group on the Right to Development (E/CN.4/1994/SR.21) was thoughtful and constructive. Although her Government did not agree with every element, it noted with satisfaction that much of the language of the report was consistent with her remarks.

29. Mr. STEEL (United Kingdom) said that it was gratifying to note that, since the Commission's forty-ninth session, a further eight States had ratified the International Covenant on Economic, Social and Cultural Rights, while nine had ratified the International Covenant on Civil and Political Rights. It was to be hoped that the Commission would make a strong appeal to all those States that had not yet taken that step to adhere fully to those instruments. His Government also welcomed the action taken by a number of successor States to confirm that they continued to be bound by the obligations assumed by their predecessors.

30. The entering of reservations to treaties was legitimate, but reservations must be compatible with a treaty's object and purpose. That was especially true in the case of human rights instruments. The World Conference on Human Rights had encouraged States to restrict the extent of any reservations that they made, to formulate them precisely and narrowly and to review them regularly with a view to withdrawing them.

31. Becoming a party to the International Covenants on Human Rights was only the first step. The States parties were then duty-bound to ensure that all persons in their territories enjoyed the rights recognized therein. Merely bringing domestic legislation into line with international obligations was not enough; the rights in question had to be respected and enforced in practice.

32. The proper and effective functioning of the treaty-monitoring bodies was a key to promoting human rights and to persuading Governments to live up to their obligations. His Government had thus been particularly pleased that the World Conference had recommended continued work to improve the functioning of the treaty bodies, including their monitoring tasks. Some improvements were badly needed, and it was unfortunate that the updated study of the Independent

Expert on enhancing the long-term effectiveness of the human rights treaty bodies was not yet available. Some improvements might involve better coordination among the treaty-monitoring bodies; others would require changes in their operating practices or the provision of greater financial and administrative resources.

33. There was undoubtedly a need for sufficient resources to be made available for the prompt publication of the summary records of the treaty-monitoring bodies, which were often painfully in arrears, thus seriously impeding those Governments that wished to take account of a committee's views when compiling the supplementary information which that committee had requested or when preparing the next periodic report. That time-lag was also a serious impediment to non-governmental organizations and others who wished to follow up with the Governments concerned particular points that had been raised.

34. Not all improvements required the allocation of greater resources or action by the bodies themselves. States parties must also contribute by improving the punctuality and adequacy of their periodic reports. The preparation of those reports was a burden but the reporting process was a vital element in the implementation of the treaties; States must make it work effectively and should be called to account when they failed to do so. His delegation therefore supported the suggestion that all treaty-monitoring bodies should list those States whose reports were overdue and consider adopting specific decisions identifying those with an especially unsatisfactory reporting record.

35. Mr. GOONETILLEKE (Sri Lanka) said that discussion on the right to development had attained new momentum and a spirit of consensus had begun to emerge. It was a positive step that the Commission's machinery was no longer restricted to civil and political rights and his delegation welcomed the establishment of the Working Group on the Right to Development and commended it on the preliminary observations in its report (E/CN.4/1994/21).

36. Since the adoption of the Declaration on the Right to Development, the concept had been given new dimensions at a number of international conferences. Forthcoming events such as the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women would further expand the concept and shape the manner in which individuals, organizations and States strove to achieve its implementation.

37. The broadening of the concept should not result in a fragmented approach avoiding the principal - mainly economic - obstacles. As pointed out in the Secretary-General's report (E/CN.4/1993/16), the biggest obstacles to the realization of that right lay at the international macroeconomic level, where the gap between the developed and developing countries was ever-widening, aggravated by trade barriers, debt, lack of transfer of technology and restrictive immigration policies.

38. Despite growing international awareness, the right to development was being progressively denied to an increasingly larger segment of the world's population. That denial of economic, social and cultural rights to the vast majority of the world's population prevented individuals from participating, an essential component of the right to development.

39. As pointed out in the Working Group's report (para. 46), States needed not only political will, but also the resources and capacities required to ensure the proper functioning of those rights. Thus, obligations at national and international levels to guarantee the right to development were linked: obstacles at the international level in the form of deteriorating terms of trade, debt, protectionism, structural adjustment, trade barriers and inadequate partnership for development limited the ability at the national level to ensure participation and realize the right to development. In that sense, the right to development was an individual as well as a collective right.

40. A fragmented approach could also result from a lack of coordination among agencies. Various United Nations specialized agencies and international financial institutions addressed areas of priority pertaining to their separate mandates, but the separate achievement of those goals should not be detrimental to the meaningful implementation of the right to development. Structural adjustment policies and privatization, for instance, should not lead to greater impoverishment of certain population sectors and impede the work of other agencies. His delegation thus endorsed the Working Group's conclusion (para. 91 (d)) that a global strategy was required. In that connection, the overall impact of the Uruguay Round on the economies of the developing countries was not yet clear.

41. His Government agreed with the finding of the report of the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73) that indicators, when carefully developed, could help determine whether development, as practised by some international development agencies and financial institutions, was a violation of economic, social and cultural rights. Indicators arbitrarily arrived at, however, could cause confusion and acrimony, as in the case of the Human Freedom Index.

42. The obstacles to the right to development posed by massive violations of human rights, armed conflicts, disregard for minority rights and the displacement of persons should not be underemphasized. Whatever the cause of such violations, the result would always be the creation of vulnerable groups whose right to development remained unrealized.

43. His delegation agreed with the Working Group's recommendations, including the establishment in the Centre for Human Rights of a special unit to follow up on the Declaration. It also supported the view that the High Commissioner for Human Rights should monitor implementation of the Declaration on the Right to Development.

44. Mr. LAGO SILVA (Cuba) said that, despite the adoption of the Declaration on the Right to Development, the United States of America and its main allies did not have the political will to promote international measures to ensure the development of the countries of the South. The gap between the North and South continued to widen. United Nations statistics showed that, in 1981, the developed market-economy countries had only 17 per cent of the world population but had generated 72 per cent of global production, whereas the underdeveloped countries, with 74 per cent of the world population, accounted for only 15 per cent of global production.

45. For the period 1980-1991, the average per capita growth rate of production in the underdeveloped countries had been only half that of the developed countries. That fact, together with a drop in direct investment of 4.3 per cent annually in Africa and 2 per cent in Latin America and the Caribbean and an annual decline in imports of 4.3 per cent and 2.1 per cent, respectively, had considerably restricted growth. There had also been a continuing decline in the price of commodity exports, a worsening of the terms of trade, a net transfer of resources from the underdeveloped to the industrialized countries as a result of debt-servicing, protectionist measures, dumping, coercive measures and the failure of the underdeveloped countries to obtain favourable access to markets and financing.

46. In 1985, some 1,000 million people in developing countries, or 20 per cent of the world's population, had been living in poverty, 60 per cent of them below the minimum poverty threshold. About 97 per cent of the world's illiterates were in underdeveloped countries. Currently, 60 per cent of the urban inhabitants of developing countries were living in shanty towns, the number of urban households without drinking water having increased from 130 million in 1970 to 215 million in 1988 and those without adequate sanitary facilities from 98 million to 340 million. In 1990, there had been 550 million hungry people in the world, 60 per cent in Asia, 30 per cent in Africa and some 10 per cent in western Asia, Latin America and the Caribbean. Of 103 developing countries, 38 had had a significant food deficit.

47. Developing countries also faced other serious social problems, including mother and child mortality, epidemics, unemployment, drugs, and ethnic conflict. A striking social problem was child labour: some 80 million children between the ages of 10 and 14 were employed in work that affected the normal course of their development. Of that number, nearly 30 million were street children, victims of child pornography or unpaid domestic servants.

48. In the light of those facts, it was difficult to comprehend how the United States and its allies could refuse to acknowledge that the right to development was an inalienable right and formed an integral part of all human rights. While making hypocritical and demagogic claims to be the protectors of human rights throughout the world, those States opposed the most sacred right of any people - the right to a life of dignity based on adequate and sustainable development.

49. He welcomed the efforts of the Working Group on the Right to Development, whose examination of the obstacles would lead to concrete plans to help the developing countries to enjoy that right. He endorsed the Working Group's

recommendation that it should hold two sessions in 1994 to complete its substantial programme of work and its recommendation that the Centre for Human Rights should be provided with a unit to give logistical support to the Working Group. The Working Group should also have adequate Secretariat support to carry out its mandate.

50. His Government denounced once again the Draconian economic blockade which had been imposed on Cuba by the United States for 34 years, in an endeavour to deny the Cuban people access to essential goods - including food and medicines - for the purpose of subverting the political, economic and social system it had chosen. Those barbaric actions, which constituted a flagrant violation of the standards and principles of international law, the Charter of the United Nations and the provisions contained in the international human rights instruments, had been condemned by the General Assembly in its resolutions 47/19 and 48/16, but the United States Government had ignored those decisions and was trying to impose its ideas unilaterally. The Commission should condemn that criminal measure and make the United States Government understand that it could not use force to influence a people by depriving it of its right to subsistence and development.

51. Mr. VERGNE SABOIA (Brazil), speaking on behalf of the Group of Rio, said that the Group wished to affirm the importance of strengthening democratic institutions and promoting the rule of law and, at the same time of encouraging international debate on development within the United Nations system. The Group attached particular importance to the full realization of the right to development, which it considered to be a universal and inalienable right, an integral part of human rights and a crucial factor in the consolidation of democracy and the full enjoyment of all human rights.

52. The World Conference on Human Rights had recognized that democracy, development and respect for human rights and fundamental freedoms were interdependent. The Commission had before it the difficult task of developing a framework for implementing the recommendations of the World Conference, in particular those concerning the realization of the right to development and the elimination of obstacles to development through effective international cooperation.

53. Thus far, efforts by the Commission and its Sub-Commission to implement the Declaration on the Right to Development had met with little success. However, the objectives set forth in the Declaration had been given a new impetus by the recent international consensus on the importance of promoting sustainable development for all people and the establishment of the post of United Nations High Commissioner for Human Rights.

54. The Working Group on the Right to Development was the appropriate forum for identifying obstacles to the realization of that right and deserved the full cooperation of Governments and non-governmental organizations alike. The Working Group should make every effort to carry out the tasks set forth in its three-year mandate. The preliminary conclusions of its first session should be reviewed to take into consideration any obstacles identified by Governments as impeding the right to development.

55. The forthcoming World Summit for Social Development would undoubtedly represent a landmark in the debate on the enjoyment of human rights in the framework of social development. The Group of Rio was committed to facilitating a spirit of consensus at the Summit with a view to the adoption of concrete measures to promote human rights and achieve global security. The resumption of economic growth, in developing countries in particular, was a first step for creating the conditions for social progress. Indeed, eliminating poverty was a precondition for the promotion of all human rights.

56. There was a growing awareness that sustainable peace and development could be achieved only through international cooperation. National development policies could be implemented effectively only with the support of a favourable international economic environment. Protectionism and barriers to the transfer of technology were obstacles to development and undermined the efforts of developing countries to obtain their fair share of world production and income and thus attain reasonable standards of living.

57. The international community must recognize that full realization of human rights could be hindered by economic adjustment programmes, and the Working Group on the Right to Development should seek ways of overcoming those particular obstacles.

58. Failure to implement the principle of representative democracy was also a serious obstacle to the right to development. Strengthening of democracy, however, required both economic efficiency and social equity.

59. The Group of Rio welcomed the conclusions of the Sub-Commission's Special Rapporteur on the study of the question of human rights and extreme poverty (E/CN.4/Sub.2/1993/16) and, in particular, his proposals regarding the holding of a seminar on the topic of extreme poverty and the denial of human rights. It also supported the appointment of a special rapporteur to examine further the question of human rights and income distribution.

60. Mr. TYSZKO (Poland) said that the relationship between democracy, development and human rights had long been a subject of controversy, in particular with regard to whether, in a given society, development had to take precedence over any concern for democracy and human rights. The World Conference on Human Rights had been a turning-point in that debate. A consensus had been achieved on a balanced approach: development, democracy and respect for human rights were interdependent and mutually reinforcing and efforts should be directed simultaneously at all three. The World Conference had also made the link between development and human rights clearer by defining the right to development as a fundamental human right.

61. His delegation welcomed the efforts of the Working Group on the Right to Development, in particular its review of measures to implement the right to development at the international and national levels, with particular emphasis on the obstacles to be overcome, and its decision to examine theoretical and legal issues separately (E/CN.4/1994/21). In that connection, it was to be hoped that the language of human rights would be reserved for the elaboration of new legal standards only and that the Commission would follow the example of the World Conference and take a balanced, progressive and consensual approach to the subject of the right to development.

62. While the conflict between civil and political rights, on the one hand, and social, economic and cultural rights, on the other, was seen by some as artificial and unnecessary, tensions did occur between those two sets of rights and even within a single category of related rights. The answer was to find, as the World Conference had done, the common denominator in all human rights - the human being - and to reaffirm the equal importance and indivisibility of all rights and freedoms. As his country had discovered, any attempt to rank one category of rights over the other led, in the end, to frustration and resistance.

63. His delegation welcomed the recommendation of the World Conference that examination should continue of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. It favoured a system under which individual communications could be submitted to the Committee on Economic, Social and Cultural Rights regarding lack of compliance with the obligations under the Covenant; such a system would facilitate the application of the Covenant and would focus greater public attention on economic, social and cultural rights.

64. His Government strongly supported the call of the World Conference for universal ratification of international human rights treaties and its appeal to States to avoid, as far as possible, entering reservations.

65. The current task of the international community was to improve respect for the established human rights, strengthen the means of preventing human rights violations, and reinforce United Nations structures for the promotion and protection of human rights. In that connection his delegation endorsed the recommendations of the chairmen of the treaty bodies and agreed that implementation procedures should be reviewed in the light of the objectives identified by the World Conference.

66. The steps already taken by the treaty bodies were a good point of departure, for example the use of a "core" document to serve multiple reporting obligations and the appointment of rapporteurs for countries whose delay in reporting was unjustified. In general, the reporting system needed to be streamlined, as it placed a considerable burden on the States parties, particularly the smaller ones. Consolidated reports would be valuable in that regard. Nevertheless, any restructuring of the treaty monitoring system must be careful not to undo the achievements of the past.

67. Mr. WILLIS (Australia) said that one of the key results of the World Conference on Human Rights was a reaffirmation of the fundamental principle that all human rights were universal, indivisible, interdependent and interrelated. The Vienna Declaration also reaffirmed that it was the duty of States, whatever their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. It followed clearly from the principle of indivisibility and interdependence that all rights, including civil and political rights, on the one hand, and economic, social and cultural rights, on the other, should be promoted and protected equally and simultaneously.

68. As a result of the World Conference, developed countries had a better understanding of the importance attached by developing countries to economic, social and cultural rights, notably the right to development and a stronger appreciation of the fact that human rights embraced more than civil and political rights. Developing countries, for their part, were recognizing the close relationship linking development with democracy and human rights, including the implementation of basic civil and political rights and fundamental freedoms.

69. While it was the responsibility of States to develop and implement policies which enabled their citizens to exercise and enjoy their rights and to benefit from development, the Commission could make recommendations regarding the monitoring and encouragement of the implementation by States of economic, social and cultural rights. Several steps could be taken in that regard, the first being to encourage those States that had not yet done so to accede to the International Covenant on Economic, Social and Cultural Rights.

70. Another step was to enhance the effectiveness of the Committee on Economic, Social and Cultural Rights, for example, by empowering it to publicize breaches or acts of omission by States parties; by offering recommendations to States parties to help them to fulfil their obligations under the Covenant; by encouraging States parties to attach greater importance to their reporting obligations and; by encouraging non-governmental organizations in the field of economic, social and cultural rights to play a more active role in the Committee's work.

71. Yet another step would be improved coordination and dialogue between the Centre for Human Rights and the treaty bodies, on the one hand, and the specialized agencies and international financial institutions such as the World Bank and International Monetary Fund, on the other. The United Nations human rights system could no longer be regarded as entirely separate from the work of the specialized agencies and the Bretton Woods Institutions. Coordination was essential to avoid duplication and to make effective use of existing expertise in the international systems, especially in the field of economic and social development.

72. Realization of the right to development was one of the most important items on the Commission's agenda. In addition to reaffirming that right, the Vienna Declaration had emphasized that the human person was the central subject of development and that lack of development might not be invoked to justify the abridgement of internationally recognized human rights.

73. The task of the Working Group on the Right to Development was very significant for the future direction of the human rights system as a whole. As the Working Group's report (E/CN.4/1994/21) showed, that right covered a wide range of complex issues at the international, national and local levels. The Working Group's recommendations after its first session were necessarily preliminary, and some of the information it requested was already being provided in the preparations for the World Summit for Social Development.

74. As for the proposal concerning the establishment of a unit in the Centre for Human Rights (para. 110), the secretariat for the World Summit could well serve as a model. A particularly useful idea was the secondment of staff from the relevant specialized agencies and development programmes. If such a unit was established, his delegation would prefer a redeployment of resources from non-policy areas of the United Nations - such as the Department of Public Information - to a diversion of resources from programmes currently being undertaken by the Centre for Human Rights.

75. His Government pledged its full support for the Working Group and urged other Governments to do likewise. That support could be manifested by providing the additional information sought by the Working Group and by incorporating the right to development into national and international activities.

76. Mr. MWAUNGULU (Malawi) said that, in December 1993, Malawi had deposited its instruments of accession to both the International Covenants on Human Rights. The provisions of the two Covenants would be reflected in the new Malawi constitution that was currently under consideration.

77. His Government fully subscribed to the indivisibility of all human rights and his delegation thus welcomed the Declaration on the Right to Development and the report of the Working Group on the Right to Development (E/CN.4/1994/21) which brought to the fore the many complex issues involved in that right of which, it might be argued, all human rights and fundamental freedoms were components.

78. The approach adopted by the Working Group was a pragmatic and practical one and his delegation particularly welcomed the division of the obstacles to the realization of the right to development into several categories. It hoped that the Working Group would concentrate its efforts on identifying the root causes of those obstacles and their possible solutions.

79. Malawi, a small landlocked, primarily agricultural country with a small economic base, had been one of the first African countries to embark on a structural adjustment programme to stabilize and restructure its economy, attract investment, achieve growth and improve the living standards of all its people. That programme had been satisfactorily implemented and the economy had experienced some improvement, but the reforms had not been sufficient so far to increase the income and growth potential of the majority of the population. Smallholder production had stagnated and the prices of basic necessities had increased while real wages and employment had fallen. Important social services had also been adversely affected.

80. While his delegation did not attribute all those negative social effects to structural adjustment, it wished to point out that adjustment objectives were even more difficult to achieve where, as in Malawi, there were problems arising from drought, refugees and the suspension of development assistance. Other developing countries had had similar experiences and his delegation hoped that, at its future sessions, the Working Group, while considering broad practical solutions concerning structural adjustment, would also take into account the particular situation of small developing countries.

81. His delegation agreed on the need for enhanced coordination and considered that it should be intensified at all levels. The involvement of representatives of international agencies, NGOs and other interested parties in the work of the Group was therefore welcome.

82. It also agreed with the general thrust of the Working Group's other recommendations but was not certain whether annex 1 of the report could be acted upon in time to make it feasible to hold two meetings during the current year.

83. Mr. RHENAN SEGURA (Costa Rica) said that, while the right to development was enshrined in many instruments, it was only recently that any serious attention had been paid to its implementation. For more than two thirds of mankind economic rights were anything but a reality.

84. Since the collapse of communism, there had been a proliferation of social and political problems that undermined the very philosophy of economic rights. The integration of national economies into a global system only had accentuated differences and inequalities and there was a need for coordination and for the creation of new opportunities for dialogue if social justice was to be strengthened and a more human world created.

85. Without the impediment of the East/West confrontation, an integral, holistic view of human rights could be taken, one which championed all rights equally. In a context where human rights were viewed as integrated, indivisible and universal, Governments must be held accountable for the inequities among their peoples, and required to strengthen democratic institutions and propose viable development options. All too often, assistance provided by the international community wound up in the hands of a few privileged groups, many of them very corrupt.

86. To realize the right to development, mentalities must be changed and genuine development options that included all social groups must be proposed. In that context, the arms race must be halted and the freed resources rechannelled into the development process and the improvement of peoples living conditions. Militarism should form no part of the new world order. Fifty years previously, Costa Rica had decided to abolish its armed forces and use the funds thus made available for education, health, road-building and housing. It currently had one of the highest human development indexes of the developing countries, according to the UNDP Human Development Report 1993.

87. Economic rights must be publicized as widely as possible. They must be enforceable by the judiciary and incorporated into the constitutional order of States. As the representative of Chile had said, domestic law must provide for legal remedies to guarantee economic rights. At the same time, society must demand development alternatives and economic models that were centred on the human being and whose objectives were more microeconomic than macroeconomic. Statistically determined development was not enough; development must have a human face and also be sustainable. Top priority must be accorded to such issues as poverty eradication, human resources and institutional development. Responsible demographic policies were also part of the right to development.

88. International cooperation, particularly in the form of increased financial and technical assistance, was vital. The Generalized System of Preferences must operate effectively, commodity markets must be healthier and more open; and all States must have access to the benefits of science and technology and an equal opportunity to participate in international relations. Those issues would, he hoped, be analysed in depth at the forthcoming World Summit for Social Development, which should launch a process that would mitigate the adverse effects of globalization, with emphasis on poverty alleviation, employment and social integration.

89. Lastly, while his delegation welcomed the establishment of the Working Group on the Right to Development, it had certain reservations about that Group's preliminary report (E/CN.4/1994/21), which repeated much of what had been said at the World Conference on Human Rights and elsewhere. The Working Group would be more effective if it changed its methods and objectives. Non-governmental organizations (NGOs) with new initiatives to propose should participate in its work which had not been the case at its first session. More Governments should participate and the specialized agencies should also be more actively represented.

90. Mr. RIOFRIO (Ecuador) said that military aggression was not the only threat to peace; peace was also threatened by situations of injustice and economic crisis. The Vienna Declaration and Programme of Action recognized the universality of human rights and reaffirmed the concept of the right to development as an inalienable human right. Respect for human rights was linked to the right of all peoples to pursue their material and spiritual development, and to the obligation to establish favourable conditions therefor.

91. The situation of extreme poverty afflicting the peoples of Latin America, and the south of the globe in general, must not go unnoticed. The world's more developed peoples had an obligation to increase their assistance to the less developed nations. They must promote free trade and remove the barriers to commodities and raw materials from the developing countries.

92. Supportive economic and social programmes were necessary to consolidate democracy in the developing countries. In that connection, development models must be based not on economic statistics alone but also on an assessment of the quality of human life, as proposed by UNDP. The World Summit for Social Development would doubtless advance the treatment of economic and social rights.

93. His delegation supported the conclusions of the Independent Expert on the right of everyone to own property alone as well as in association with others (E/CN.4/1994/19). It hoped that his recommendations would be taken into account, particularly with regard to retaining the question as an item on the Commission's agenda and considering its basic aspects in more detail. There was also a need to maintain a clear link between the right to own property, the right to adequate housing and other relevant human rights during consideration of the realization of economic, social and cultural rights. His delegation also agreed with the Expert that a commitment at the national level

was the most effective guarantee of those rights, including the provision of legal remedies in the national and administrative courts and other competent bodies.

94. Lastly, his delegation welcomed the excellent work of the Working Group on the Right to Development and reaffirmed that the human being must be the starting point for the right to development, which must go beyond economic development to encompass social and political development also.

95. Mr. HELLER (Mexico) said that one of the most significant achievements of the World Conference on Human Rights had been the reaffirmation of the right to development as an inalienable human right and the recognition that all human rights were universal, indivisible and interdependent.

96. Despite the significant progress made in some areas, the world was still divided into rich and poor countries and millions of people were still living in poverty, a recipe for social unrest which could threaten peace and stability. The eradication of extreme poverty must be a priority of the international community, for it was an obstacle to the enjoyment of human rights. The forthcoming World Summit for Social Development would be an ideal forum for the consideration of that and other social problems.

97. Mexico had modernized its economy in recent years and had embarked on a process of economic integration with the other countries of North America in order to raise its people's standard of living. Poverty eradication had been a basic priority in its modernization process and 50 per cent of its 1994 budget would be earmarked for social development programmes, particularly education, health and housing.

98. The recent incidents in the state of Chiapas revealed, however, that not enough had been done for marginalized, impoverished populations. Chiapas had the lowest level of social services of any Mexican state. Its demographic growth was twice the national average and more than 50 per cent of its inhabitants were under 14 years of age. Geographic conditions had forced the indigenous population to live in 12,000 isolated villages of less than 100 inhabitants each. In those circumstances, while the real objectives of the insurrectionary armed movement were still unclear, it was hardly surprising that some indigenous people had participated in it.

99. His Government's reaction had been to endeavour to find a peaceful solution that would preserve the constitutional order, stop the armed violence, create the political conditions for dialogue and reconciliation and satisfy the demands and needs of the population. The President of the Republic had appointed a Commissioner of Peace and Reconciliation, and declared general amnesty for those who had participated in the violence.

100. With the support of the International Committee of the Red Cross (ICRC), two areas had been designated for the dispensing of humanitarian assistance to the civilian population and the ICRC had access to the persons detained in connection with the violence that had occurred. A major integrated justice programme had been launched in the conflict area together with a programme for the reconstruction of highways and housing and the promotion of social welfare, in consultation with the representatives of social and indigenous

organizations. A National Commission for Integral Development and Social Justice had been established to coordinate policies for the benefit of all Mexico's indigenous peoples. The National Human Rights Commission had maintained a presence in the area, since the outbreak of the violence, to investigate complaints and to provide support for national and international human rights NGOs. The churches were also participating in the efforts to consolidate peace and stability in the area.

101. Mr. de ALMEIDA (Angola) said that his country was being ravaged by one of the most atrocious of contemporary wars, despite the introduction of multiparty democracy based on respect for the human rights enshrined in the Angolan Constitution and the relevant international treaties and conventions, including the Universal Declaration of Human Rights.

102. Human rights mechanisms had been established following the signature of the peace agreements on 31 May 1991 between the Government of Angola and UNITA and the subsequent elections, in which the Angolan people had displayed a great deal of civic maturity. The democratization process had seen the introduction of laws providing for the right to strike, the right to form political parties, the right of assembly, laws on the radio and the press, electoral laws, and so forth. That legislation had also been translated into concrete actions, such as the legalization of 30 political parties, the abolition of the death penalty, the release of all political prisoners and the free flow of information.

103. UNITA, however, had not respected the peace agreements it had signed, particularly with regard to the demobilization of its troops. It had rejected the results of the elections which had taken place under international supervision and whose validity was recognized by the United Nations. As it had never demobilized its army, it had launched large-scale military operations in Luanda and elsewhere which had directly or indirectly caused the deaths of many thousands of Angolans in a most flagrant violation of human rights. The Angolan tragedy was not an ethnic, tribal or cultural conflict but a war between a democratic Government and a political movement with an illegal army and an uncontrollable lust for power.

104. The democratically elected Angolan Parliament had spared no effort to protect human rights. Although it had every political and constitutional reason to do so, the National Assembly had decided not to declare a state of emergency for fear lest it compromise the development of the nation's budding democracy by suspending the rights of the citizens. There were, of course, certain failures to respect human rights or abuses thereof, as was inevitable in a country at war, but no violation reported to Parliament went unpunished. The citizens were aware of that fact and reported any such abuses.

105. Such institutional protection was also given to economic, social and cultural rights in Angola. The Angolan Parliament also held the Government accountable for any acts that were deemed a violation of the citizens' rights and the report on the human rights situation in Angola in 1993, prepared by the Human Rights Commission of the National Assembly, was completely impartial.

106. Despite the war, multiparty democracy was an established fact in Angola. Elected representatives of eight political parties - including UNITA deputies who had not been compromised by the armed insurrection, were able to exercise freely their role of opposition in Parliament, thus exorcizing the spectre of ethnic conflict. Angolan democracy must be supported since failure to do so would compromise the democratization process throughout the African continent. UNITA's rejection of the election results and its demands for a share of power could set a dangerous precedent that would make a mockery of the continent's democratization process. He urged the Commission to do its utmost to persuade UNITA to accept democracy and end the war.

The meeting rose at 1 p.m.